



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Monthly Enforcement Report for actions during March 2013

DISTRIBUTED: April 11, 2013

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

#### **Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):**

##### *Hazardous Waste:*

**eWaste Recycling Solutions, LLC, Auburn and Newport, Maine.** eWaste Recycling Solutions, LLC (“eWaste”) violated provisions of the Department’s rules concerning the *Identification of Hazardous Wastes* or its Department-issued license to demanufacture universal hazardous waste and electronic waste at its facility in Auburn by: failing to timely submit an annual report by the required deadline; failing to provide the results of worker safety and anti-exposure measures or the results of a medical monitoring plan; stacking containers of universal waste lamps higher than five feet; cracking the ends of the necks of cathode ray tubes (“CRT”s); failing to obtain Department approval of a professional industrial hygienist report describing the results of a facility inspection, testing, and any health or safety issues; failing to minimize lead and cadmium exposures to employees and the environment; failing to minimize employee exposures to particulates; failing to adequately develop and implement a broken CRT clean-up plan; failing to establish an environmental management system; failing to document tracking of incidental CRT breakage for the period between September 2010 and March 3, 2011; and failing to seal containers that hold broken CRT glass. In addition, eWaste failed to certify and document closure of a former consolidation facility, also located in Auburn, in accordance with Department rules. At its facility in Newport, eWaste violated provisions of the Department’s rules concerning the *Identification of Hazardous Wastes* or its Department-issued license to demanufacture universal hazardous waste and electronic waste by: failing to ship universal waste to an approved recycling facility within one year of receipt; failing to track universal wastes using a Recyclable Hazardous Material Uniform Bill of Lading (“UBOL”); failing to immediately contain and transfer all releases of wastes resulting from broken universal wastes into an appropriate container; failing to store containers of universal waste with adequate aisle space for inspection; failing to mark each container of universal waste with the date of receipt; issuing “Certificate[s] of Recycle” without all of the universal waste listed on the documents having been recycled; and not recycling or shipping for recycling bare CRT glass within 180 days of dismantling. Following Department involvement, eWaste took corrective actions including, but not limited to: containing broken CRT glass and submitting after-the-fact UBOLs for past shipments of universal waste to eWaste’s facilities. To resolve the violations, eWaste agreed to: immediately begin using a UBOL for shipments of universal waste to or from any eWaste facility; immediately begin marking containers of universal waste with the date they are received by eWaste; immediately cease issuing documents to generators that indicate their universal hazardous waste has been recycled unless and until all universal hazardous waste components have been recycled; immediately begin storing containers of universal hazardous waste such that there is adequate aisle space to inspect the containers; submit to the Department a written outline of a plan to conduct required training; immediately implement the eWaste Air Monitoring and Surface Sampling Plan (“AMSS”); provide the Department with the results of a smoke test conducted in accordance with the AMSS; submit to the Department for review and approval a copy of eWaste’s Environmental Management System plan; submit a written schedule for completing all elements necessary to achieve a third-party environmental certification for electronics recyclers; submit to the Department a current version of the “ERS Glass Processing Operational Procedures,” provide the Department with a plan describing hazardous waste determinations for wastes generated and an updated list for hazardous waste determinations for



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wastes generated at eWaste's facility; and provide the Department with monthly reports demonstrating that CRTs are processed or shipped off-site to an authorized facility for processing within 180 days of receipt. In addition, eWaste agreed to pay \$88,384 as a civil monetary penalty, of which \$40,000 will be paid according to a payment plan, and \$43,384 is suspended and will be permanently waived if eWaste complies with specified requirements of the agreement.

### *Solid Waste:*

**AAA Interstate Septic Services, Inc. and Roger J. Barrett, New Sharon, Maine.** AAA Interstate Septic Services, Inc. ("AAA") and Roger J. Barrett violated Maine's *Water Pollution Control* law by discharging septage filtrate wastewater to the ground which then discharged into the Sandy River without a license and the Department's *Septage Management Rules* by applying septage to land without a license. In addition, AAA violated: the Department's *Solid Waste Management Rules* by discharging pollutants without a license; provisions of its Department-issued license to de-water, store, and compost septage by not receiving Department approval for a consequential variation to the facility septage/wastewater handling plans prior to implementation and not complying with applicable state licenses during operation of the facility; and its Department-issued license to spray-irrigate wastewater by discharging wastewater in violation of the terms and conditions of the license. Subsequent to Department involvement, AAA and Barrett performed corrective actions, including: ceasing all unlicensed land surface disposal, discharges of wastewater, and discharge of pollutants; providing records of septage pumped and disposed; and providing records of effluent/wastewater disposal from holding tanks installed at the AAA compost facility. To resolve the violations, AAA and Barrett paid \$5,400 as a civil monetary penalty.

### *Water:*

**Lincoln Paper and Tissue, LLC, Lincoln, Maine.** Lincoln Paper and Tissue, LLC ("LPT") violated Maine's *Pollution Control* laws and conditions of its Department-issued waste discharge license by discharging biochemical oxygen demand in excess of license limits on twelve occasions in 2010 and discharging thermal water, wastewater, paper stock, treated pond water, "white water," and aluminum sulfite to Mattanawcook Stream without a license from the Department. In addition, LPT violated provisions of its waste discharge license by discharging approximately 2.5 million gallons of primary-treated pulp and paper wastewater, which should have received secondary treatment in LPT's waste treatment facility prior to being discharged, to the Penobscot river and failing to maintain in good working order and operate at maximum efficiency all wastewater collection, treatment, and/or control facilities. Subsequent to Department involvement, LPT prepared and submitted two documents to the Department: procedures and protocols to identify and respond to facility upsets, leaks and malfunctions and ensure the proper functioning of the wastewater treatment facility; and a risk-based inspection and maintenance program for the systems involved in the discharge incidents. To resolve the violations, LPT agreed to pay \$27,000 as a civil monetary penalty, according to a payment plan.